

REMARKS

Applicant respectfully requests reconsideration and withdrawal of the rejections set forth in the Office Action dated October 14, 2004 in view of the above amendments and the following remarks. By this amendment, paragraphs 26 and 34 of the specification have been amended. Figures 1-8 have been amended to add and/or remove reference numbers. Claims 1-20 remain pending and have not been amended.

1. Summary of Office Action

In the Office Action dated October 14, 2004, the Examiner rejected claims 1-3, 10-13, and 20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,013,315 (West). The Examiner objected to claims 4-9 and 14-19 for being dependent upon a rejected base claim, but indicated that the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner also objected to the drawings with respect to the reference numbers shown and/or identified in the specification.

2. Rejections under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-3, 10-13, and 20 as being anticipated by West. As is known, anticipation under 35 U.S.C. § 102 "requires that each and every element of the claimed invention be disclosed in a prior reference." *Akzo v. U.S. Int'l Trade Comm'n*, 1 U.S.P.Q.2d 1241 (Fed. Cir. 1986). West is directed to a rain curtain assembly for a golf cart. The rain curtain assembly includes a front panel 11, a pair of separate side curtains 12, and a separate rear panel 13. Each panel/side curtain is separate from the others and is removably attachable to a golf cart by a series a suction cups, hooks, and straps. Each panel/side curtain also has tie cords 17 that can be tied to the tie cords of an adjacent panel or curtain.

Claim 1 is directed to an enclosure assembly usable with a golf cart. The enclosure assembly includes first and second side panels positionable adjacent to side portions of the golf cart, a rear panel between the first and second side panels, and "a strap portion connected to the top portions of the first and second side panels and

being configured to removably attach the first and second side portions to the two upright members of the golf cart adjacent to the roof portion with the first and second side panels supported adjacent to the side portions of the golf cart in the rear panel adjacent to a rear portion of the golf cart" (emphasis added).

West does not disclose, teach, or suggest the claimed enclosure assembly with a strap portion connected to top portions of first and second side panels positionable adjacent to side portions of a golf cart, as claimed. West also does not disclose, teach or suggest a strap portion configured to removably attach first and second side panels to upright members of a golf cart with the side panels supported adjacent to side portions of the golf cart and with a rear panel positioned adjacent to a rear portion of the golf cart. To the contrary, West teaches four separate independent panels/side curtains. Each panel/side curtain is independently attachable to a golf cart using the suction cups, straps, and hooks. While two adjacent panels/side curtains can be tied together with tie cords, there is not a strap that connects top portions of the two panels/side curtains to the golf cart as claimed. West is silent with respect to such a configuration. Therefore, West does not teach each and every feature as recited in claim 1.

West also provides no suggestion or motivation to modify the rain curtain assembly to provide the claimed enclosure assembly. Any modification of the teaching of West to provide the enclosure assembly as claimed would only be apparent to one skilled in the art after fully understanding the present invention, using the present application as a template, and applying impermissible hindsight analysis. Therefore, Applicants respectfully submits that claim 1 and its dependent claims 2-10 are patentable over West and are in condition for allowance.

Independent claim 11 is directed to a golf cart assembly having, *inter alia*, a golf cart, first and second side panels, a rear panel between the first and second side panels, and "a strap portion connected to the first and second edge portions of the first and second side panels and releasably attached to the two upright members of the golf cart adjacent to the roof portion" (emphasis added). As discussed above, West does not disclose, teach, or suggest a strap portion connected to two side panels as claimed.

West also does not disclose, teach, or suggest such a strap portion releasably attached to two upright members of a golf cart as claimed. The only teaching of such a configuration is provided in the present application. Accordingly, West does not disclose each and every element in the claims. West provides no suggestion or motivation for modifying the rain curtain assembly to provide the golf cart configuration as claimed. Therefore, claim 11 and its dependent claims 12-20 are patentable over West and are in condition for allowance.

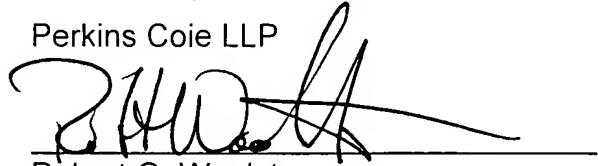
3. Objections to Drawings

In sections 1-3 of the Office Action's Detailed Analysis, the Examiner objected to the drawings with respect to the reference numbers shown in the Figures and/or identified in the specification. As a point of clarification, the second paragraph in each of sections 2 and 3 appear to have been transposed with each other. Applicant has responded to the Office Action assuming that the second paragraphs were transposed. Applicant respectfully submits that Figures 1-8 and the specification have been amended to overcome the objections. A redline copy of the drawings showing the amendments is enclosed for the Examiner's convenience.

4. Conclusion

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the applied art. A Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3259.

Respectfully submitted,
Perkins Coie LLP

A handwritten signature in black ink, appearing to read 'R. Woolston', is written over a horizontal line.

Robert G. Woolston
Registration No. 37,263

Date: 1-12-05

Correspondence Address:

Customer No. 25096
Perkins Coie LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8000

Amendments to the Drawings:

Enclosed herewith is an amended version of Figures 1-8, in which reference numbers have been added and/or deleted. In accordance with the Office's revised format, this drawing has been labeled "Replacement Sheet"

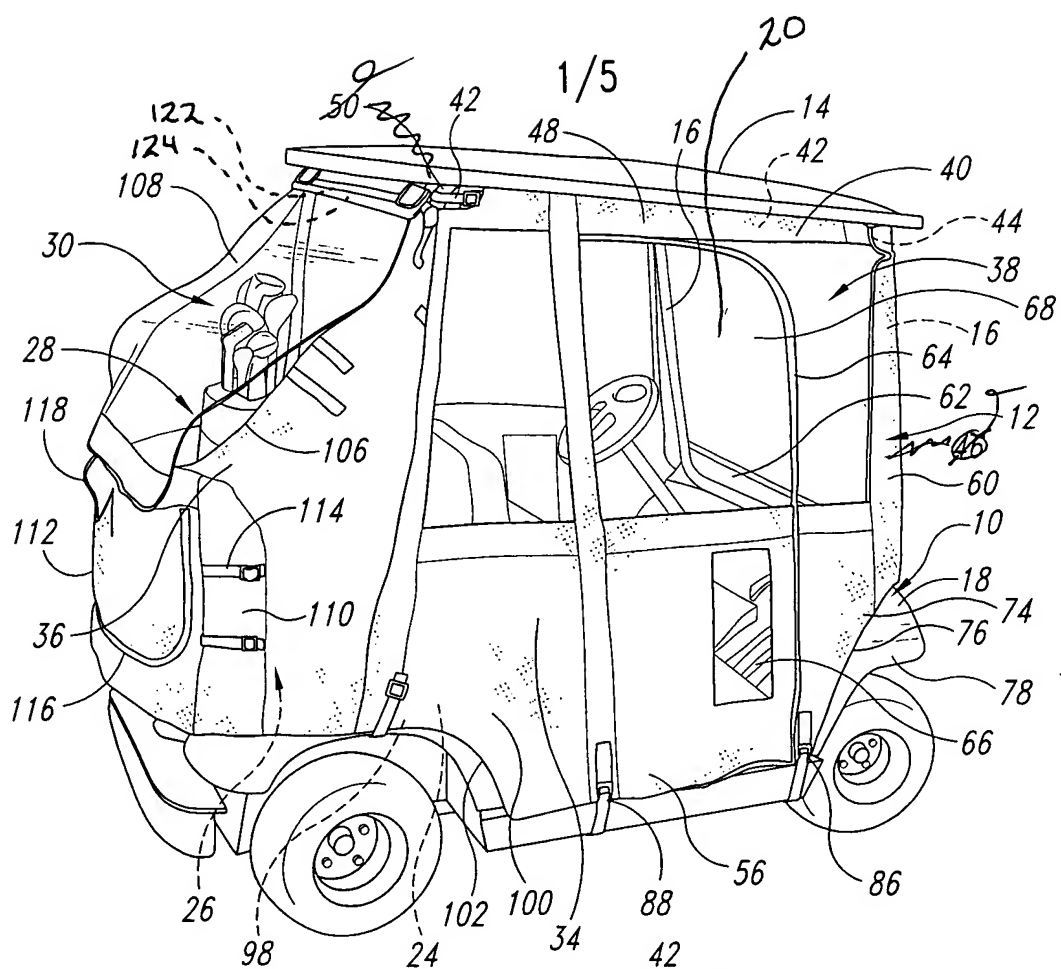


Fig. 1

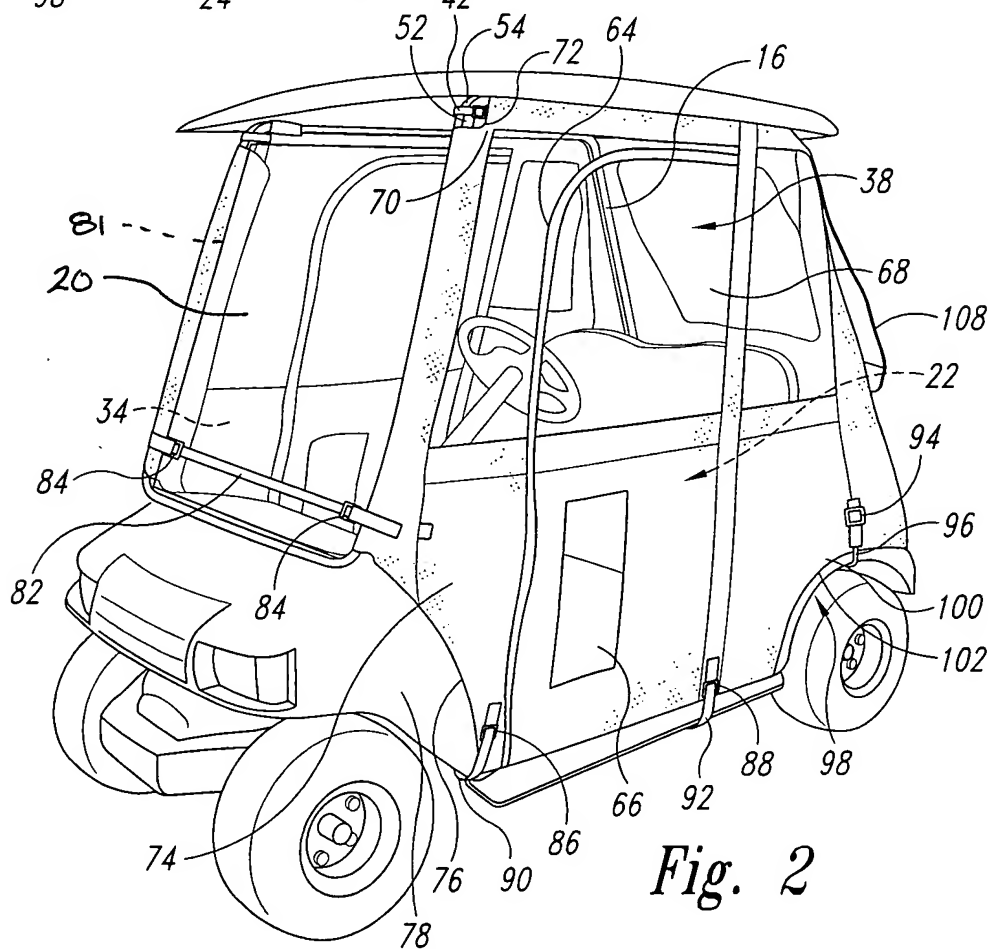


Fig. 2

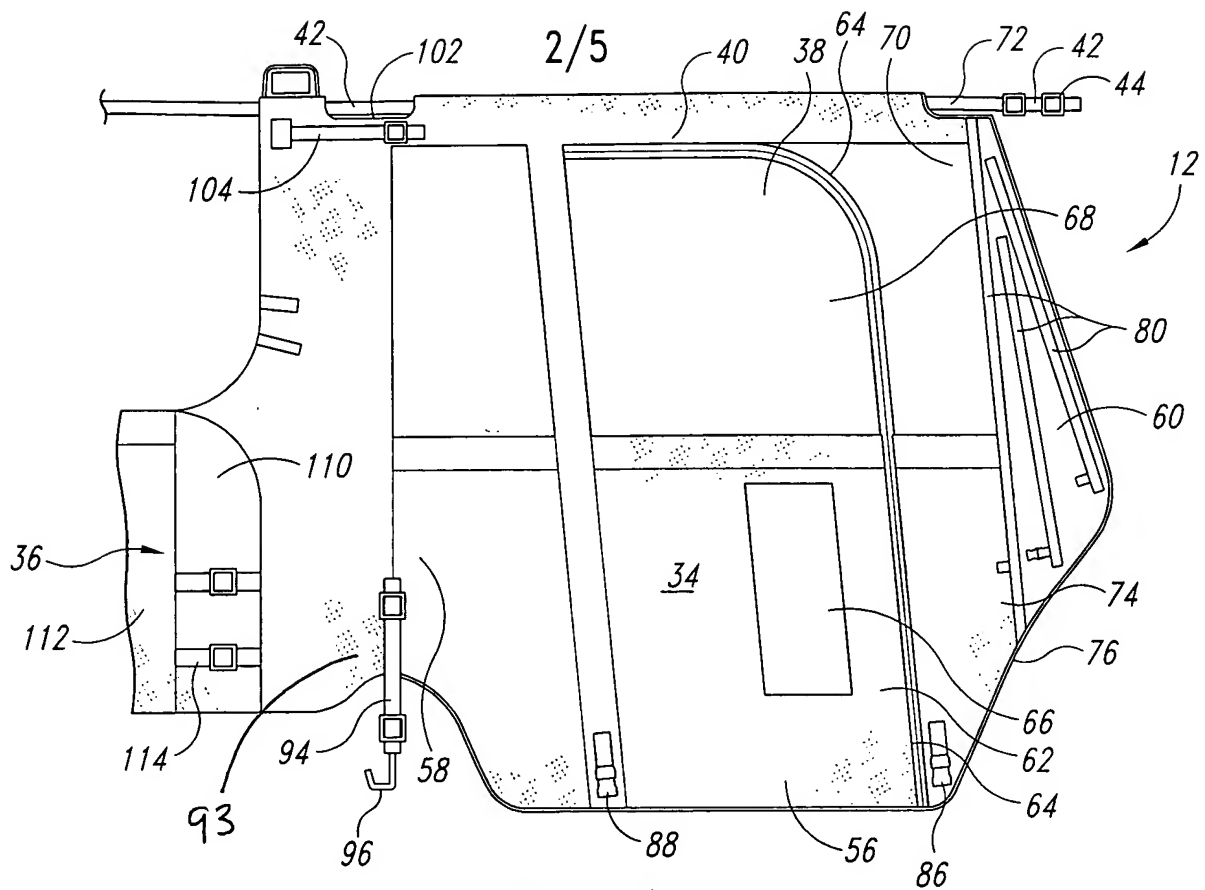


Fig. 3

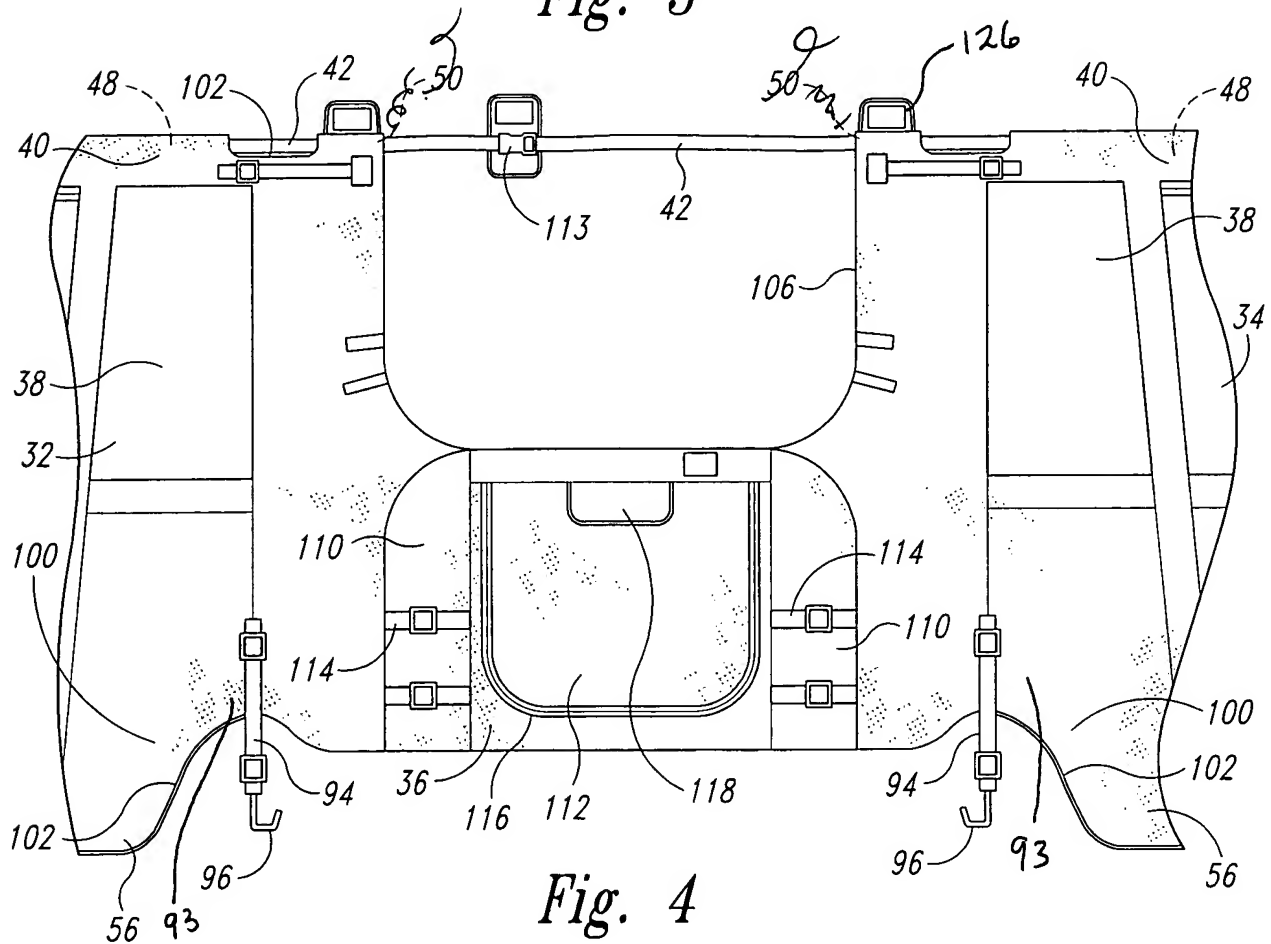


Fig. 4

Fig. 6

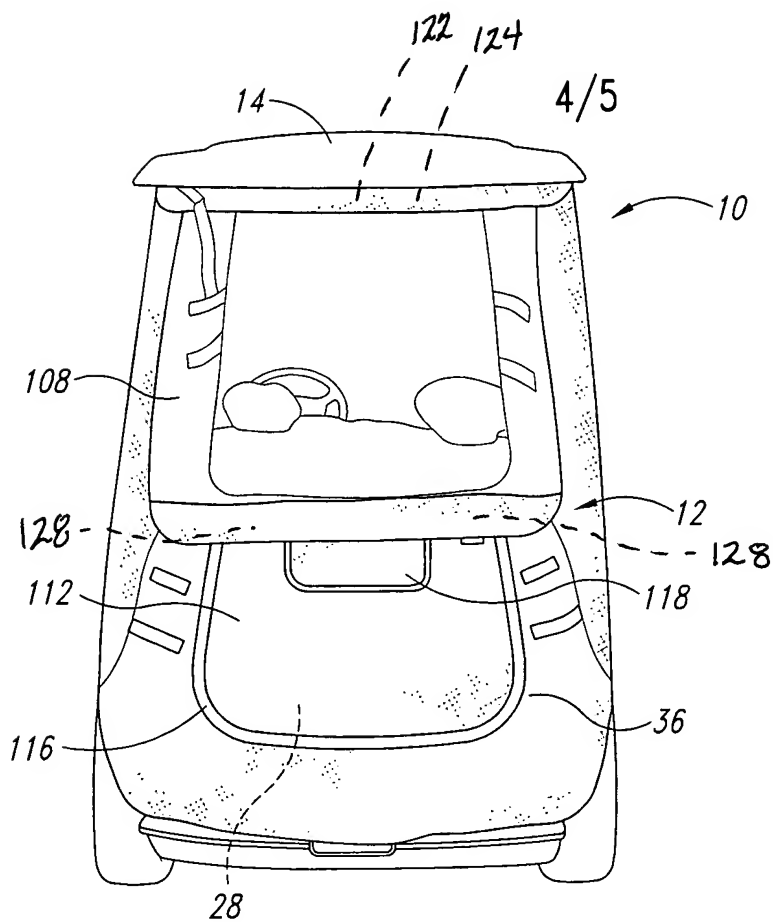


Fig. 7

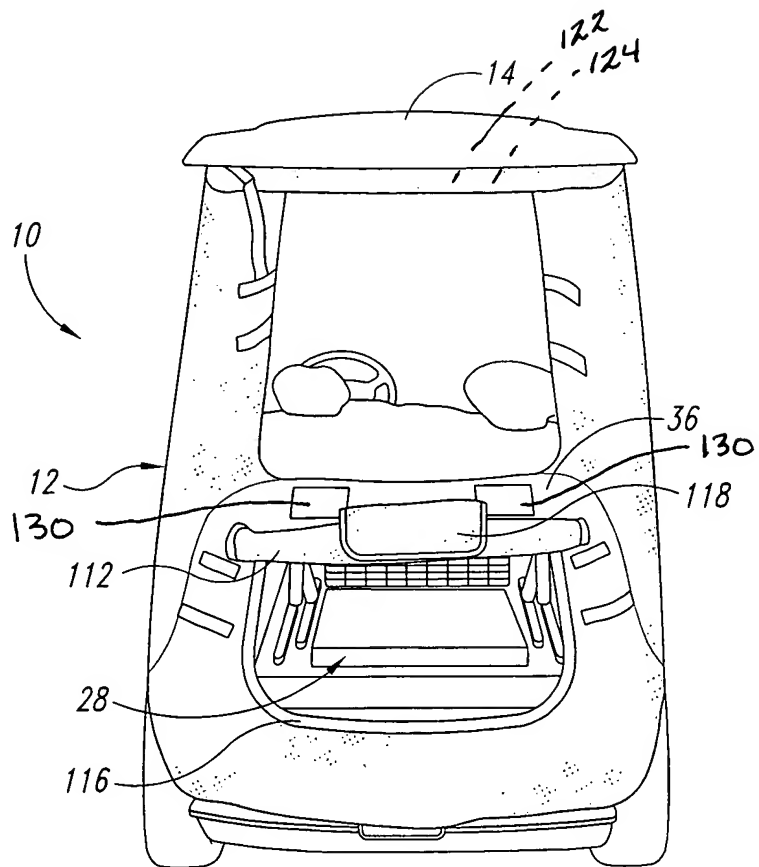


Fig. 8